

House File 754

H-1201

1 Amend House File 754 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. NEW SECTION. **94A.3A Employee notice.**

5 1. An employment agency shall provide to each employee  
6 referred for employment notice of the following:

7 *a.* The name, address, electronic mail address, and telephone  
8 number of the following:

9 (1) The employment agency, or the contact information of the  
10 employee of the employment agency facilitating the placement.

11 (2) The employment agency's workers' compensation carrier.

12 (3) The employer.

13 (4) The commissioner.

14 *b.* A description of the position and whether it will require  
15 any special clothing, equipment, training, or licenses, and  
16 any costs that will be charged to the employee for supplies or  
17 training.

18 *c.* The designated payday, the hourly rate of pay, and  
19 whether overtime may occur and be paid.

20 *d.* The daily starting time and anticipated end time and, if  
21 known, the expected duration of employment.

22 *e.* Whether any meals will be provided by the employment  
23 agency or employer and the charge for such meals, if any, to  
24 the employee.

25 *f.* Details of the means of transportation to the work  
26 site and any fees that will be charged to the employee by the  
27 employment agency or employer for any transportation services.

28 2. An employment agency shall confirm the information in  
29 the notice required by subsection 1 in writing and send a  
30 copy thereof to the employee, by a method designated by the  
31 employee, before the end of the employee's first pay period.  
32 However, an employment agency shall send any change in the  
33 initial terms of employment to the employee immediately.

34 3. The employment agency shall post in a conspicuous place  
35 in each of the locations where it does business a notice

1 of the requirements of this section and the name, internet  
2 site address, and telephone number of the commissioner. The  
3 commissioner shall prepare and publish on the commissioner's  
4 internet site a sample notice for use by employers that meets  
5 the requirements of this section and, upon request, shall  
6 facilitate the translation of the notice into a language other  
7 than English.

8 4. This section shall not be construed to prohibit an  
9 employment agency from directing an employee to employment by  
10 telephone. However, the employment agency shall provide the  
11 information required by subsection 1 by telephone at the same  
12 time.

13 5. This section does not apply to a professional employee,  
14 as defined in 29 U.S.C. §152, or to an employee who is a  
15 secretary or administrative assistant whose main or primary  
16 duties are described by the United States department of labor,  
17 bureau of labor statistics, as involving one or more of the  
18 following:

- 19 a. Drafting or revising correspondence.
- 20 b. Scheduling appointments.
- 21 c. Creating, organizing, and maintaining paper and  
22 electronic files.
- 23 d. Providing information to callers or visitors.

24 **Sec. 2. NEW SECTION. 94A.3B Transportation services.**

25 If an employment agency or employer or a person acting  
26 directly or indirectly in the interest of either offers  
27 transportation services to or from a designated work site  
28 to an employee and charges a fee for such services, the  
29 employment agency or employer shall charge such employee not  
30 more than the actual cost to transport such employee to or  
31 from the designated work site. Such fee shall not exceed  
32 three percent of such employee's total daily wages and shall  
33 not reduce the employee's total daily wages below the minimum  
34 wage earned for the day. If an employment agency or employer  
35 or a person acting directly or indirectly in the interest

1 of either requires the use of transportation services by an  
2 employee, a fee shall not be charged to the employee for  
3 transportation services. If an employment agency or employer  
4 provides transportation services to a designated work site  
5 to an employee on a day when employment is not available,  
6 the employment agency or employer shall fully refund any fee  
7 charged to the employee for the transportation services.

8 Sec. 3. Section 94A.4, subsection 4, Code 2021, is amended  
9 by adding the following new paragraphs:

10 NEW PARAGRAPH. *g.* Refer an employee for employment by force  
11 or fraud, for illegal purposes, or where the employment is in  
12 violation of state or federal law.

13 NEW PARAGRAPH. *h.* Refer an employee for employment at any  
14 location that is on strike or lockout without first notifying  
15 the employee of such fact.

16 Sec. 4. Section 94A.4, Code 2021, is amended by adding the  
17 following new subsections:

18 NEW SUBSECTION. 5. An employment agency or employer shall  
19 not charge or accept a fee from an employee for the following:

20 *a.* Any good or service unless under the terms of a written  
21 contract with the employee, which clearly states in a language  
22 the employee can understand that the purchase is voluntary and  
23 which provides that the employment agency or employer will not  
24 gain a profit from any cost or fee charged to the employee.

25 *b.* The provision of a bank card, debit card, payroll card,  
26 voucher, draft, money order, or similar form of payment or  
27 wages that exceeds the actual cost per employee.

28 *c.* Any drug test.

29 *d.* Any criminal history background check.

30 *e.* Transportation, except as provided in section 94A.3B.

31 *f.* Any good or service the payment for which would cause the  
32 employee to earn less than the applicable minimum wage.

33 NEW SUBSECTION. 6. An employment agency or employer or  
34 a person acting directly or indirectly in the interest of  
35 either shall not deduct any costs or fees from the wages of

1 an employee without the express written authorization of the  
2 employee. An employment agency or employer shall furnish to  
3 the employee a copy of the signed authorization in a language  
4 the employee can understand.

5 NEW SUBSECTION. 7. An employment agency or employer shall  
6 not refuse to return on demand any personal property belonging  
7 to an employee or any fee or cost that is charged to the  
8 employee or accepted by the employment agency or employer in  
9 excess of the amounts allowable under this chapter.>

10 2. Title page, by striking lines 1 and 2 and inserting  
11 <An Act relating to the regulation of employment agencies and  
12 employers and making penalties applicable.>

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HUNTER of Polk